

Rickner PLLC

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December 10, 2024

Via ECF
 Hon. Gary Stein
 United States Magistrate Judge
 Daniel Patrick Moynihan United States Courthouse
 500 Pearl Street
 New York, NY 10007-1312

MEMO ENDORSED

Re: *Ramos v. City of New York, et. al.*, Case No. 23 cv 02464

Judge Stein,

My office represents Plaintiff David Ramos in the above-referenced matter and writes, together with Defendants, to respectfully request a brief two-week adjournment of the December 18, 2024 settlement conference to allow time for the City to obtain authority in response to Plaintiff's opening demand. This is the parties' third joint request to adjourn the settlement conference.

As You Honor is aware, for the last several months, Plaintiff has sought and received additional medical care for the injuries he sustained in the events at issue in this case. For this reason, the Court, at the parties' request, has twice adjourned the settlement conference to allow for a complete and accurate valuation of Plaintiff's damages. While the parties are still awaiting additional medical records from these new providers, Plaintiff is now in a position to provide an opening demand, and did so on Friday, December 6, 2024, during the parties' last phone conferral.

Because Plaintiff was delayed in providing his demand while he obtained additional diagnostic testing and treatment recommendations, Counsel for the City, ACC Yini Zhang, advises that she needs additional time to obtain authority ahead of the parties' settlement conference. For this reason, the parties jointly and respectfully request a brief adjournment, of at least two weeks, of the December 18, 2024 settlement conference, to a time and date most convenient for the Court.

As an additional status update, the parties have been working cooperatively to resolve disputes and deficiencies in paper discovery, but have reached an impasse regarding Plaintiff's entitlement to *Monell* discovery. For this reason, the parties anticipate that a discovery conference will be necessary if we are unable to reach a resolution at the settlement conference. The parties also anticipate that, if the case does not settle, we will require an extension of time to complete depositions and litigate Plaintiff's *Monell* demands. While we understand that the Court previously expressed that the parties' would not be granted additional time in discovery absent good cause, we respectfully submit that good cause is present here, where the delay in completing discovery is attributable to Plaintiff's efforts to obtain adequate and comprehensive medical evaluation of his injuries, the results of which were necessary to facilitate settlement and complete paper discovery.

While the parties intend to move for an extension of time under separate cover, we have already conferred on a plan to complete discovery as expeditiously as possible if the case does not settle. We have agreed that, should an extension of the January 13, 2025 discovery deadline be necessary and granted by Your Honor, Plaintiff's deposition will be held on January 16, 2025. The parties

have also reserved January 17, 2025 for one to two defendant depositions, subject to their availability, and continue to confer on additional dates in January 2025 for the completion of all depositions. The parties will otherwise ask for the Court's guidance on the completion of *Monell* discovery if the case does not resolve at the conference.

That said, the parties will jointly apply for an extension of the discovery deadline under separate cover should it become necessary. At this time, we jointly and respectfully request a brief adjournment—of at least two weeks, to a time and date convenient for the Court—of the December 18, 2024 settlement conference, so that the City can obtain authority in response to Plaintiff's December 6, 2024 initial demand.

We thank the Court for its time and consideration of this request.

Respectfully Submitted,



Stephanie Panousieris
Attorney for Plaintiff

Application granted. The Settlement Conference scheduled for December 18, 2024 at 10:00 a.m. is hereby adjourned to Wednesday, January 8, 2025 at 1:00 p.m. The parties are directed to consult and comply with the undersigned's Settlement Conference Procedures.

Date: December 11, 2024
New York, NY

SO ORDERED:



HON. GARY STEIN
UNITED STATES MAGISTRATE JUDGE